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SUBJECT: Slow Progress for Chile's TIP Legislation

¶1. (SBU) SUMMARY: A draft law on Trafficking in Persons (TIP) that would bring Chile into compliance with international standards remains pending in the Chilean Senate. Post's efforts, including outreach to key Senators and meetings with several Ministers, have succeeded in raising awareness among Chilean contacts, but have not yet secured the bill's passage. A full legislative calendar, Chile's generally slow legislative process, and a limited TIP constituency have combined to slow passage of the bill. END SUMMARY.

TIP LAW STILL IN CONGRESS

¶2. (SBU) A draft law that would bring Chile into compliance with international standards on TIP remains pending in the Senate's Constitutional Committee. The draft legislation would strengthen Chile's ability to combat TIP by criminalizing labor and internal trafficking. Cross-border trafficking for the purposes of sexual exploitation is the only form of trafficking that is currently penalized under Chilean law. Chile is one of only three countries in the hemisphere that does not prohibit labor trafficking.

¶3. (U) The draft legislation, originally introduced in 2002, has slowly moved through the Congress. It has been pending in the Senate's Constitutional Committee since June 2009. After approval by the Constitutional Committee, the legislation must be reviewed by the Senate's Human Rights Committee before a final vote by the full Senate can take place. Chile's President would then need to sign the bill into law.

POST'S EFFORTS RAISE AWARENESS, ADD URGENCY

¶4. (SBU) In a continuing effort over the past five months, Post has engaged both the executive and legislative branches of the Chilean government to urge passage of the draft bill. In the executive branch, the Ambassador raised the issue with Interior Minister Edmundo Perez-Yoma and Secretary General of the Presidency Antonio Viera-Gallo in August. Pol/Econ Couns also discussed the legislation with the Undersecretary of the Interior Patricio Rosende in August. Poloffs briefed the Ministry of Foreign Affairs' newly appointed Human Rights Director on the issue in September. As a result of post and International Organization of Migration efforts, the executive branch formally gave the pending legislation official "urgencia," or urgency, which should speed its passage through committee and is an indication of the executive's

interest in the legislation.

15. (SBU) In the legislative branch, the Ambassador encouraged prompt passage of the legislation during an October lunch with legislators and a November 11 meeting with Senator Alberto Espina, the chair of the Constitutional Committee. Espina assured the Ambassador that the bill would be approved in his Committee, but probably not before the end of the calendar year. Espina had previously met with poloffs in August and agreed hold hearings on the bill, but other legislative priorities have dominated the agenda. Over the past several months, Poloffs have met individually with each member of the Senate's Constitutional Committee and the professional staffers for the committee, explaining the USG interest in TIP issues, urging action on the legislation, and discussing how TIP rankings are determined for the annual report.

16. (SBU) In addition to these legislation-focused efforts, Post and Embassy San Jose organized a digital video conference on victims assistance featuring 2009 TIP Hero Mariliana Morales, a Chilean national resident in Costa Rica. The Embassy produced a radio program on TIP (part of its weekly "Panorama" radio program carried by 100 radio stations throughout Chile) to coincide with the release of the 2009 TIP report and seven Chilean law enforcement officials participated in the September 2009 ILEA TIP course in Lima.

17. (SBU) COMMENT: There is no opposition to the draft TIP law, but there are only a small number of advocates. The law also faces the combined hurdles of Chile's notoriously slow legislative process and a full-legislative calendar. While there does not appear to be a government champion willing to push the law forward, Post's efforts have succeeded in raising the profile of the draft legislation, most notably in the decision to grant the bill official "urgencia." END COMMENT.
SIMONS